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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

RCE 1600  
SA

REQUEST  
FOR  
**CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/574,946.
Filing Date	May 19, 2000
Examiner Name	David T. FOX
First Named Inventor	SHEWMAKER et al.
Group Art Unit	1638
Attorney Docket Number	18866.002

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114**
  - a.  Previously submitted
    - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered).
    - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - iii.  Other
  - b. Enclosed
    - i.  Amendment/Reply
    - ii.  Affidavit(s)/Declaration(s)
    - iii.  Information Disclosure Statement (IDS)
    - iv.  Other
2. **Miscellaneous**
  - a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
  - b.  Other
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
  - a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-2387
    - i.  RCE fee required under 37 C.F.R. § 1.17(e)
    - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
    - iii.  Other
  - b.  Check in the amount of \$ \_\_\_\_\_ enclosed
  - c.  Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	Dawn Gardner Krosnick	Registration No. (Attorney/Agent)	44,118
Signature		Date	August 13, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print /Type)	
Signature	
Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. This will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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# ARNOLD & PORTER

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Washington, DC 20004-1206



August 13, 2003

**Mail Stop Reissue**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/574,946

Filed: May 19, 2000

Title: **Methods and Compositions for Regulated Transcription  
and Expression of Heterologous Genes**

Inventors: SHEWMAKER *et al.*

Atty. Docket: 18866.002

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Request for Continued Examination (RCE) Transmittal Form;
2. a Response and Preliminary Amendment; and
3. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

Applicants request that the following fee be charged to Deposit Account No. 50-2387 referencing docket number 18866.002:

\$ 750.00 RCE filing fee

In the event that extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit

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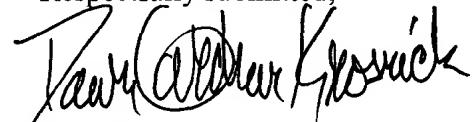
ARNOLD & PORTER

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Commissioner for Patents  
Atty. Docket: 18866.002  
Application No. 09/574,946  
Page 2

Account No. 50-2387, referencing matter number 18866.002. A duplicate copy of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
Dawn Gardner Krosnick (Reg. No. 44,118)

Attachments